

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1350-GMS
	)	
DR. SYLVIA FOSTER, NURSE	)	
ASSISTANT ROBERT N. GRAY,	)	
MR. JOHNSON 1, MR. JOHNSON	)	
2, LANCE SAGERS, and DAVE	)	
MOFFETT,	)	
	)	
Defendants.	)	

**CERTIFICATION**

I, Nancy Rebeschini, Esquire, pro se law clerk, and designated officer for depositions upon written questions held before me on January 8, 2008, do hereby certify that:

1. The deposition of the defendant, Lance A. Sagers, was held on January 8, 2008, at 9:00 a.m., at the J. Caleb Boggs Federal Building, Wilmington, Delaware. Joseph Schoell, counsel for Robert N. Gray, David Moffett, and Lance Sagers, and Michael Ripple, counsel for Dr. Sylvia Foster were present at the deposition.

2. On that same date, Lance A. Sagers declared before me, an individual authorized to administer oaths, that his written answers were true and correct.

3. I read aloud each and every deposition question submitted by the plaintiff, Jimmie Lewis, for the deponent, Lance A. Sagers.

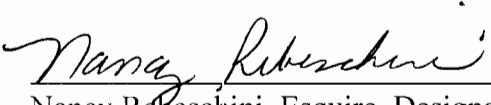
4. I personally observed the deponent, Lance A. Sagers, answer, in writing, the deposition questions.

5. A true and correct copy of the written questions filed by the plaintiff, the original

written answers of the deponent, and written original objections made by counsel are attached hereto and are filed with the court, and copies shall be served upon the parties.

I, Nancy Rebeschini, certify under penalty of perjury that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of January, 2008.

  
\_\_\_\_\_  
Nancy Rebeschini, Esquire, Designated  
Officer

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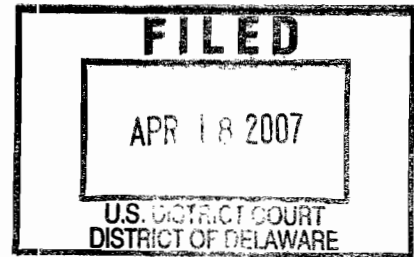
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS

V.

CA. No. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.



WRITTEN DEPOSITION QUESTIONS  
FOR DEFENDANT LANCE SABERS # 4 DD,  
IN ACCORDANCE WITH THE HONORABLE JUDGE  
GREGORY M. SLEETS' APRIL 9TH 07 ORDER  
PURSUANT TO FED R. CIV P# 30

DATE : 4/16/07

Jimmie Lewis  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DEL 19977

4DD, p.17)

- 1.) WHO PROVIDES YOUR PHYSICAL SAFETY RESTRIANT TRAINING
- 2.) WHAT ARE YOU TAUGHT NOT TO DO WHEN PHYSICALLY RESTRIANING A PERSON
- 3.) DATING FROM 5/21/04 TO 6/25/04 THE COURSE OF THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER, WOULD YOU SAY THAT THE PLAINTIFF DISPLAYED NO EVIDENCE OF MOOD DISORDER
- 4.) DATING FROM 5/21/04 TO 6/25/04 THE COURSE OF THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER, WOULD YOU SAY THE PLAINTIFF DISPLAYED NO EVIDENCE OF PSYCHOSIS
- 5.) IF DR. SYLVIA FOSTER GAVE AN ORDER THAT CALLED FOR YOU TO 4 POINT RESTRIAN THE PLAINTIFF, AND YOU DID NOT COMPLY, COULD YOU POSSIBLE BE FIRED FOR NOT COMPLYING

400, p. 2)

6.) DO YOU KNOW THE NAME OF ANY DELAWARE PSYCHIATRIC CENTER'S STAFF WHO YOU WITNESSED UTILIZE PHYSICAL FORCE TO SUBDUCE AND OR RESTRAIN THE PLAINTIFF AT THE D. P. C DATING FROM 5/21/04 TO 6/25/04, IF YES, PROVIDE THE PLAINTIFF WITH THE FULL AND CORRECT NAME OF SAID D. P. C STAFF MEMBER OR MEMBERS.

7.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DO YOU BELIEVE DR. SYLVIA FOSTER HAD THE AUTHORITY TO ORDER THE PLAINTIFF JIMMIE LEWIS 4 POINT RESTRAINED

8.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING ~~THE~~ FROM 5/21/04 TO 6/25/04, DO YOU BELIEVE DR. SYLVIA FOSTER HAD THE AUTHORITY TO ORDER THE PLAINTIFF JIMMIE LEWIS TO BE INJECTED WITH PSYCHOTROPIC MEDICINES.

4DD, P. 3)

- 9.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DID YOU BECOME AWARE OF THE PLAINTIFF BEING 4 POINT RESTRIANED.
- 10.) DURING THE PLAINTIFF'S STAY AT THE DELAWARE PSYCHIATRIC CENTER DATING FROM 5/21/04 TO 6/25/04, DID YOU BECOME AWARE OF THE PLAINTIFF RECEIVING INJECTIONS OF PSYCHOTROPIC MEDICINES.
- 11.) REGARDING THE INCIDENT THE PLAINTIFF CLAIMS OCCURED AT THE DELAWARE PSYCHIATRIC CENTERS MITCHEL BUILDING DINNING HALL DURING SNACK BREAK ON JUNE 14, 04. QUESTION, IN YOU PROFESSIONAL OPINION SHOULD THE PLAINTIFF BEEN PLACED INTO ISOLATION FOR SAFETY
- 12.) IN YOUR OPINION, WITY DO YOU THINK A PSYCHIATRIST WOULD ORDER A PERSON TO BE INJECTED WITH PSYCHOTROPIC MEDICINES.

400, p. 4)

- 13.) UP UNTIL TO DATE, WITY HAUNT YOU SUBMITTED CLAIM THAT THE PLAINTIFF JIMMIE LEWIS ALLEGEDLY THREATENED YOU, WAS VERBALLY ABUSIVE AND OR PHYSICALLY ASSAULTED YOU OR ANY SPECIFICALLY NAMED D.P.C PATIENT OR D.P.C STAFF MEMBER WHO WAS PRESENT DURING THE JUNE 14, 04 INCIDENT IN THE D.P.C'S MITCHEL BUILDING
- 14.) CAN YOU RECALL IF YOU HAD TO PHYSICALLY SUBDUE AND OR RESTRAIN THE PLAINTIFF JIMMIE LEWIS AT THE D.P.C'S MITCHEL BUILDING ON EITHER OF THE FOLLOWING DATES DURING HIS 5/21/04 TO 6/25/04 STAY.  
AT THE DELAWARE PSYCHIATRIC CENTER:  
6/6 - 13 - 14TH AT OR ABOUT 8:00 PM, 14TH AT OR ABOUT 11:00 PM, 15TH - 21 - 22 - 24 / 2004.  
PLEASE SPECIFICALLY NOTE SAID DATE OR DATES.

400, p.5)

15.) AT WHAT TIME AND DATE BETWEEN  
THE DATES OF 5/21/04 AND 6/25/04,  
DID YOU BECOME AWARE THAT  
DR. SYLVIA FOSTER DIAGNOSED THE PLAINTIFF  
AS MALINGERING, I.E., PRETENDING TO  
BE MENTALLY ILL



4DD, P. 6)

16.) CAN YOU PROVIDE ANY DOCUMENTATION THAT YOU WERE DOCKED WAGES FOR THE TIME OF 8:00 PM TO 8:45 PM ON JUNE 14, 2004

17.) WHAT IS THE SECURITY PROCEDURE FOR ENTERING AND LEAVING THE MITCHEL BUILDING AT THE D.P.C.

18.) ON APRIL 9TH 07 DAVID MOFFETT AND ROBERT GRAY SUBMITTED STATEMENTS THAT THE JUNE 14, 04 INCIDENT AT THE MITCHEL BUILDING'S DINNING HALL, OCCURED AT 8:45 PM, AND YOUR APRIL 9TH 07 STATEMENT IS THAT YOU WERE AT LUNCH OUT OF THE D.P.C.'S MITCHEL BUILDING FROM 8:00 PM TO 8:40 PM. IS IT CORRECT THAT THE TIMES DAVID MOFFETT AND ROBERT GRAY GAVE, IS COLLABERATING EVIDENCE THAT WOULD CALL A JURY WHO REVIEWED THIS EVIDENCE TO THINK THAT YOU WERE INDEED INSIDE OF THE MITCHEL BUILDING FOR 5 MINUTES BEFORE THE JUNE 14, 04 INCIDENT IS SAID TO HAVE OCCURED.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS  
DOE HEREBY CERTIFY ON THIS 16TH, DAY OF APRIL,  
2007, THAT I DID MAIL ONE TRUE AND CORRECT  
COPY OF THE WRITTEN DEPOSITION QUESTIONS  
FOR DEFENDANT LANCE SAGERS # 400,  
BY U.S. POSTAL TO THE FOLLOWING:

CLERK OF THE COURT (GMS)  
UNITED STATES DISTRICT COURT  
844 N. KING ST., LOCKBOX 18  
WILMINGTON, DELAWARE 19801

DATE: 4/16/07

Jimmie Lewis  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SM 42NA, DEL 19977

Page 1

Lance L. Sagers  
01/08/08 9:00AM

- ① Delaware Psychiatric Center
- ② The training I receive for restraining a patient trains you on how to properly restrain a patient and sticking to this format. It also teaches you how to monitor a person and check their comfort and circulation.
- ③ I am not a trained psychiatrist or psychologist in order to determine this question.
- ④ I am not a trained psychiatrist or psychologist in order to determine this question.
- ⑤ I ~~don't~~ do not know.
- ⑥ I can not remember.
- ⑦ She, as a doctor, may order what she feels is in the best interest of the patient for his treatment at the time.
- ⑧ To my knowledge, yes
- ⑨ Yes I was aware he had been restrained
- ⑩ Yes I was aware he received medication but not what the medication was or what its use was

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- ⑪ I was not present at this time
- ⑫ I ~~don't~~ do not know, I am not a psychiatrist
- ⑬ I do not recall being present on this date or remember being involved in an incident.
- ⑭ I do not recall being involved in physically ~~restraining~~ restraining the inmate/patient on any of these dates.
- ⑮ I am not aware of when the doctor diagnoses a patient or recall finding out this inmate/patient was diagnosed as malingering.
- ⑯ I was not docked wages for this time and this information can be accessed at Delaware Psychiatric Center's timekeeping department.
- ⑰ Staff must check in with Jane E. Mitchell security officers at the entrance of the building.
- ⑱ I was not in the Jane E. Mitchell Building at the time of the incident per Jane E. Mitchell security log books for entering and exiting the building.

Lance E. Sagers

Joseph Schoell/  
1-8-2008

Counsel for Robert Gray, David Moffett and  
Lance Sagers

Questions submitted 4/16/2007 - to Lance Sagers

- #2) Object to the form of the question -  
Vague
- #3) Object to form of the question - calls for  
expert diagnosis beyond witness's training
- #4) Object to form of question - calls for  
expert diagnosis beyond witness's training
- #7) Object to form of question - calls for expert  
opinion beyond witness's training / expertise.
- #8) Object to form of question - calls for expert  
opinion beyond witness's training and expertise
- #9) Object to form of the question - calls for  
expert opinion beyond witness's training and  
expertise.
- #12) Object to the form of the question - calls  
for expert opinion beyond witness's training  
and expertise
- #13) Object to form of question - Vague and  
Confusing

Sagers Deposition page #2

- #15) Objection to the form - calls for testimony beyond witness's expertise at job duties; question includes inaccurate description
- #17) Object to form of the question / Object and instruct the witness not to answer to the extent it calls for specific security procedures at the Mitchell Building to be disclosed
- #18) Object to form of the question - compound, vague and confusing

Michael Ripple

Representing: Dr. Foster  
1/8/08Lance Sagers (Deponent)

- 1.) training? no objection
- 2.) objection to form (Schoell)
- 3.) objection to form (Schoell)
- 4.) objection to form of question (Schoell)
- 5.) objection to form (Ripple)
- 6.) no objection
- 7.) objection to form (Ripple, Schoell)
- 8.) objection to form (Ripple, Schoell)
- 9.) no objection
- 10.) no objection
- 11.) objection to form (Schoell)
- 12.) objection to form (Ripple, Schoell)
- 13.) objection to form (Schoell)
- 14.) no objection

(1.)

⑮ objection to form (Ripple, Schoell)

⑯ no objection

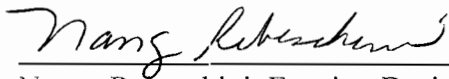
⑰ objection as to form / privileged information (Schoell)

⑱ objection to form (Schoell)



CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2008, I caused to be electronically filed the attached Certification with the Clerk of the Court using CM/ECF, which will send notification of such filing to counsel for defendants. I further certify I caused a true and correct copy of the attached Certification to be served via U.S. mail on the plaintiff, Jimmie Lewis, SBI #506622, Delaware Psychiatric Center, Mitchell Building, 1901 DuPont Highway, New Castle, Delaware 19720, and the defendant Brian Johnson, Delaware Psychiatric Center, 1901 N. DuPont Highway, New Castle, Delaware 19720.

  
\_\_\_\_\_  
Nancy Rebeschini, Esquire, Designated  
Officer